

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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MARK KAPITI,

Plaintiff,

-against-

RAYMOND W. KELLY, in his official capacity as  
Commissioner of the New York City Police  
Department, PROPERTY CLERK, New York City Police  
Department, and THE CITY OF NEW YORK,

Defendants.

**DEFENDANTS' INITIAL  
DISCLOSURES PURSUANT  
TO FED. R. CIV. P. 26(A)**

07 Civ. 3782 (RMB)

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**PLEASE TAKE NOTICE**, that defendants City of New York, Commissioner Raymond Kelly, and the Property Clerk of the New York City Police Department by their attorney Michael A. Cardozo, Corporation Counsel of the City of New York, pursuant to Rule 26(a) of the Federal Rules of Civil Procedure, hereby submit for their disclosures that:

- a. The name and, if known, the address and telephone number of each individual likely to have discoverable information that the disclosing party may use to support its claims or defenses, unless solely for impeachment, identifying the subjects of information. At the present time, the City of New York is aware of the following:

Plaintiff Mark Kapiti  
3890 Sedgwick Avenue, Apartment 5D  
Bronx, New York 10463

Angel Toledo  
Address unknown

Detective Maureen Mooney  
Vice Enforcement, Brooklyn South/Staten Island

Assistant District Attorney Rita Bieniewicz  
Office of the Bronx District Attorney  
198 East 161<sup>st</sup> Street  
Bronx, New York 10451

Representative for Honda Financial Services  
600 Kelly Way  
Holyoke, MA 01040

Representative for Marde Enterprises LLC  
PO Box 2032  
New City, New York 10956

b. A copy of, or a description by category and location of, all documents, data compilations, and tangible things that are in the possession, custody or control of the party and that the disclosing party may use to support its claims or defenses, unless solely for impeachment, identifying the subjects of information. At the present time, the City of New York is aware of the following:

<u>Document</u>	<u>Location</u>
NYPD Civil Enforcement Unit File for Mark Kapiti	NYPD Civil Enforcement Unit
Bronx District Attorney File	Bronx DA Office

c. A computation of any category of damages claimed by the disclosing party, making available for inspection and copying under Rule 34 the documents or other evidentiary material, not privileged or protected from disclosure, on which such computation is based, including materials bearing on the nature and extent of injuries suffered:

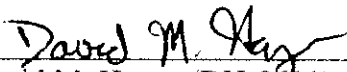
Not applicable

d. For inspection and copying as under Rule 34 any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment:

Not applicable.

Dated: New York, New York  
October 9, 2007

MICHAEL A. CARDOZO  
Corporation Counsel of the  
City of New York  
Attorney for Defendants City of New York and the  
Property Clerk of the New York City Police  
Department  
100 Church Street, Room 3-186  
New York, N.Y. 10007  
(212) 788-8084

By:   
David M. Hazan (DH-8611)  
Assistant Corporation Counsel  
Special Federal Litigation Division

To: Via First Class Mail  
Steven L. Kessler, Esq.  
122 East 42<sup>nd</sup> Street, Suite 606  
New York, NY 10168

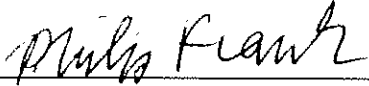
Docket No. 07 Civ. 3782 (RMB)
UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK
MARK KAPITI,  Plaintiff,  -against-  RAYMOND W. KELLY, in his official capacity as Commissioner of the New York City Police Department, PROPERTY CLERK, New York City Police Department, and THE CITY OF NEW YORK,  Defendants.
<b>DEFENDANTS' INITIAL DISCLOSURES PURSUANT TO FED. R. CIV. P. 26(A)</b>
<b>MICHAEL A. CARDOZO</b> <i>Corporation Counsel of the City of New York Attorney for Defendants City of New York and the Property Clerk of the New York City Police Department 100 Church Street New York, N.Y. 10007</i>  <i>Of Counsel: David M. Hazan Tel: (212) 788-8084 NYCLIS No.</i>
<i>Due and timely service is hereby admitted.</i>  <i>New York, N.Y. ...., 2007</i>  <i>..... Esq.</i>  <i>Attorney for .....</i>

**DECLARATION OF SERVICE**

I, Philip S. Frank declare, pursuant to 28 U.S.C. § 1746, under the penalty of perjury that on **October 9, 2007** I served the annexed **DEFENDANTS' INITIAL DISCLOSURES PURSUANT TO FED. R. CIV. P. 26(A)** by depositing a copy of the same, enclosed in a first-class postpaid properly addressed wrapper, in a post office official depository under the exclusive care and custody of the United States Postal Service, within the State of New York, upon the following.

Steven L. Kessler, Esq.  
122 East 42nd Street, Suite 606  
New York, NY 10168

Executed on: **October 9, 2007**  
New York, New York

  
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Philip S. Frank  
Assistant Corporation Counsel  
Special Federal Litigation Division